

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Paul Goldstein, Case Manager
Joel Lawson, Associate Director Development Review

DATE: October 22, 2013

SUBJECT: BZA Case 18640 - Request for special exception relief under § 223 to construct additions to an existing row dwelling at 761 10th Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of special exception relief pursuant to § 223 from:

- § 403 (maximum lot occupancy of 60% allowed, 70% is proposed); and
- § 404 (minimum rear yard of 20' required, 0' is proposed).

The Applicant supplemented the record with an October 15, 2013 filing. The latest submission was intended to address concerns expressed by the abutting northern neighbors (as outlined in a letter dated September 24, 2013) and also included some project revisions and a shadow study. While OP does not anticipate that the proposal would substantially adversely impact neighboring properties, OP nonetheless encourages the Applicant to continue to work to address remaining neighbor concerns prior to the hearing.

II. AREA AND SITE DESCRIPTION

Address:	761 10 th Street SE
Legal Description:	Square 950, Lot 94 (the "Property")
Ward/ANC:	6/6B
Lot Characteristics:	The Property is irregular in shape and measures 40' in width and approximately 100' in depth. It has 3,705 square feet of land area. The Property abuts 30' and 29' wide segments of a public alley to the west.
Zoning:	R-4: Row dwellings and flats
Existing Development:	There is an existing single family two-story row dwelling and a rear detached one-story private garage. The subject dwelling is fairly atypical in how it reflects a past consolidation of two separate dwellings. The dwelling still projects as two houses as viewed from 10 th Street.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	The Property abuts a two-story row dwelling (flat) to the north and a two-story semi-detached dwelling to the south. To the east, across 10 th Street, is an elementary school and recreation field. To the west, across the public alley, is the rear yard of a garden apartment building.
Surrounding Neighborhood Character:	The Square, and the neighborhood more generally, is largely characterized by row dwellings zoned R-4. Other prominent uses include public schools (to the east of the Square), the Marine Barracks (to the west of the Square), and the I-695 elevated highway (to the south of the Square).

III. PROJECT DESCRIPTION IN BRIEF

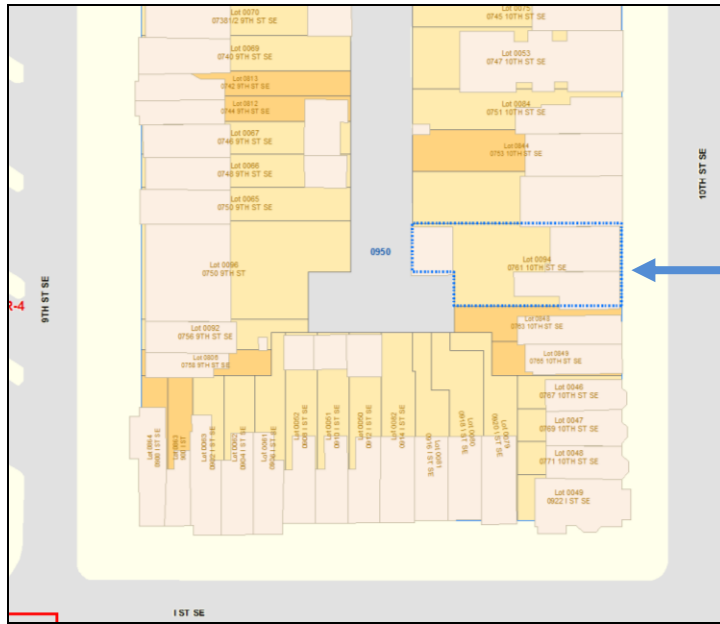
Applicant:	Barry Jackson
Proposal:	<p>The Applicant proposes the following additions to an existing two-story row dwelling:</p> <p>First, a two-story addition, with a cellar and roof deck, would be constructed at the rear of the house. The addition would be 23' tall (with a 3' parapet for a southern portion of the addition) and generally align with the height of the existing dwelling. The addition would extend approximately 20' deep into the rear yard – while replacing some of the existing dwelling – and span the width of the lot. A rear covered porch would abut the dwelling to the north on the second floor, and a circular staircase would lead to a roof deck above the second floor on the Property's south side.¹</p> <p>Second, an existing one-story detached garage would be replaced with a two-story addition, rising approximately 20' in height, connected to the existing dwelling via a ground level covered walkway spanning the south side of the Property. It would accommodate two cars on the ground level and a fully conditioned second floor, including a bathroom and kitchenette. The Applicant indicates that the covered walkway would be 30" wide and 8' tall, and connect from the back door on the main level of the main house to the entry door to the garage at the ground level. The Applicant has expressed that the covered walkway design would meet DCRA standards for a sufficient meaningful connection between the structures, a feature which would be scrutinized at the time of permitting.² Should the addition be a considered a separate accessory structure, then additional zoning relief could be required. The proposal would increase the site's lot occupancy from 53% to 70%, and the rear yard would be reduced from at least 31' to 0'.³</p> <p>The application indicates that the dwelling would remain as a single-family dwelling, although flats are permitted in R-4 zones.</p>
Relief sought:	Special exception pursuant to § 223 for non-compliance with §§ 403 and 404

IV. IMAGES AND MAPS

¹ OP encourages the Applicant to submit a revised elevation showing the circular staircase which appears to be missing from the elevation. OP does not anticipate that the circular stairs, which would be principally located within the second floor porch and a substantial distance from neighboring properties, would have any adverse impact on neighboring properties, but it should be represented for accuracy purposes.

² The Applicant referenced a similar design in BZA Order Number 18263 (Lester, 2011), which was approved by the Board.

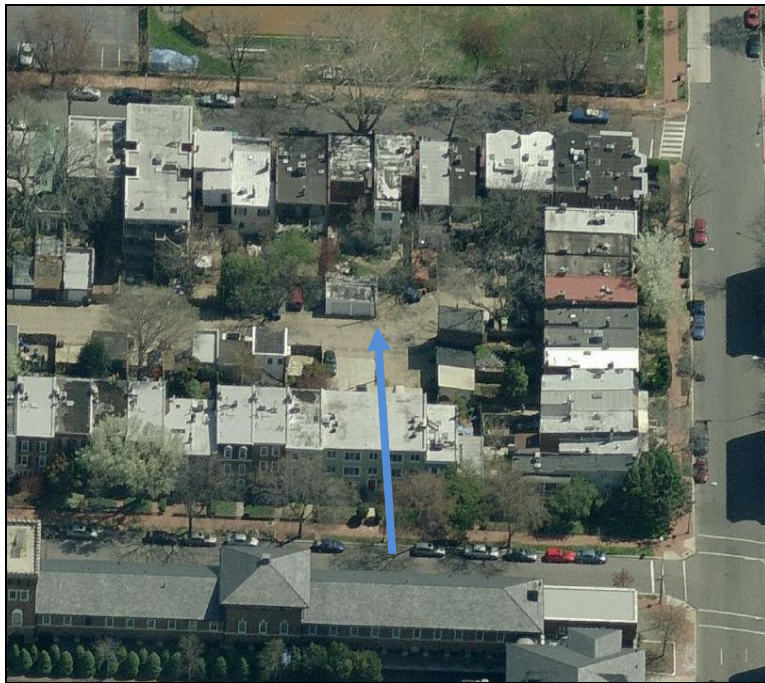
³ Depending on the measurement, the existing rear yard could be measured as 31' or 51', or a distance in between, due to the site's irregular lot shape. Additionally, the Applicant has indicated that the covered walkway has been included in the lot occupancy calculation.



Subject Property
(761 10th Street SE)



Aerial view of the subject site (highlighted)



View of the rear of the site (identified) looking east toward 10th Street.
(Bing Maps).



View of the subject alley (looking south) and the existing garage on the Property.

V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes relevant zoning requirements for the project and the relief requested.

<i>R-4 Zoning</i>	<i>Restriction</i>	<i>Existing</i>	<i>Proposed</i>	<i>Relief</i>
Lot occupancy (building area/lot area) § 403	60% max.	53%	70%	Non-conforming: relief requested
Rear Yard (ft.) § 404	20' min	31'+	0'	Non-conforming: relief requested

Height (ft.) § 400	40' max.	23'	23'	Conforms
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VI. OP ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Single family and flat uses are permitted uses in the R-4 zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403 and 404.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The proposal would construct: (1) a two-story addition, composed of two floors of conditioned space, an open-aired porch, and a roof deck, at the rear of an existing single family row dwelling; and (2) a two-story replacement of an existing single level garage along the Property's rear lot line, which would connect to the main dwelling via a covered walkway.

Concerning the first project component, designs show that the rear addition would be 23' tall (with a 3' tall parapet). On its north side, conditioned first floor space and a second floor covered porch would extend 2.5' past the abutting wall of the dwelling to the north. Based on the relatively moderate height of the addition, the minor extension beyond the northern dwelling, and the openness of the second floor porch along the northern property line, the rear addition should not unduly affect the light and air available to the northern neighbor.⁴ The Applicant also submitted shadow studies to demonstrate the limited light impact of the addition. Further, the addition also would extend 6" past the dwelling to the south and a trellis of a relatively small scale would abut the southern property line. The dwelling to the south has an approximately 4' side yard on its northern edge. The proposed rear addition and trellis should not unduly impact the light and air of the southern neighbor, who has signed a letter in support of the proposal.

Concerning the garage replacement, the 20' tall two-story replacement of the existing garage would be located a considerable distance from neighboring dwellings. It would abut a 30' wide portion of the alley to the west, a 29' wide portion of the alley to the south, and what appears to be the parking pad of the property to the north. The garage addition would be located approximately 30' away from the rear of the main dwelling, maintaining considerable open space on the Property. OP does not anticipate any undue impact on the light and air of neighboring properties from the garage addition.

⁴ OP also notes that the neighbors to the north have an elevated rear deck that is set back approximately 8' from the southern property line.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The additions would have no windows on their northern or southern sides, thereby minimizing views into neighboring properties. The porch on the second floor would only extend 2.5' past the abutting wall of the dwelling to the north and should not present undue privacy concerns. The Applicant's revised plans also shift the size and location of windows, as well as proposed French doors, on the east side of the garage addition to address privacy concerns of the northern neighbors. OP does not anticipate that the privacy of use and enjoyment of neighboring properties would be unduly compromised.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The proposed additions, as viewed from the alley, would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage. Additionally, there are other single-story and two-story garages along the subject alley, as well as rear porches. The Applicant also is discussing the design with the Historic Preservation Office (HPO) to ensure the proposal's historic compatibility.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant submitted plans and photographs to represent the relationship of the proposed addition to adjacent buildings and from public ways.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy would be 70%, which is permitted by special exception in the subject R-4 zone.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP makes no recommendations for special treatment.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

Granting this request would not result in the introduction or expansion of a nonconforming use.

VII. COMMUNITY COMMENTS/ANC

To date, OP has not received an official submission from the ANC 6B. OP is aware that the neighbor to the immediate south (763 10th Street SE) has submitted a letter of support, and that the neighbors to the north (755-757 10th Street SE) have submitted a letter in opposition to the proposal.

VIII. HISTORIC PRESERVATION

The Applicant indicates that discussions are taking place with HPO.